SHERLOCK against SHERLOCK.

The Master of the TEMPLE's

REASONS

FOR

His late taking the OATH to Their MAJESTIES,

ANSWERED,

BY THE

Rector of St. *George Botolph-Lane.*

WITH

MODEST REMARKS

On the Doctors Celebrated NOTIONS

OF

ALLEGIANCE

TO

SOVEREIGN POWERS.

Quantum Mutatus ab illo

Turpe est, quod nequeo parvus quod ego ipse fui.

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THE PREFACE

THE Church of Rome's Pretence to Infallibility, *has been decryed by not a few at the same time, have been as* Dogmatical *in every* Punctilio, *or things Extrinsick to the Christian* Religion; *as if the singular* Priviledge *of the had been transplanted from* Rome *to a* People that would bring forth bet thereof: Nor *has this* Imperious Principle *confined it self to those things* more within it *sphere* (*which if done in* Moderation, *would never have be by the Sober part of Mankind*) *but has encroacht upon* Politicians, *on* of *rectifying the Unchristian Principles they had infected the World with*: *As if there was to be* ner of *knowledge in the Universe, but* what should proceed from the Priests Lips: *And* and Thummim of these Holy Ones *hath contributed not a little* (*by rubbing off the* Laodice per) *to inflame the World with a* Blind Zeal *and Virulent Hatred*; *and to set a Man and his* variance *together*: *And all this is propagated by means of a Foolish belief in the more simple* P *the Infallibility of those Persons, from a* Blind Reverence *given to them, on the accou* Function.

That this *is no fiction, will appear beyond all Contradiction, if we but consider what hath be out of* Pulpits, *and not long ago dropt from the* Pens *of not a few, who have been accounted* Proficients *in* Reason, *and meerly upon the foresaid account, greedily swallowed up by the unconsiderate; tho' the more knowing of that side, espoused those* Tenets, *from a more pernic ciple, that they might the easier, like the great Fishes, domineer over, and devour others; wholly abandoned his Reason, to whatever their Caprice suggests, who has the Face to deny*

Among all others, none has appeared a stouter Champion for those Tenets *in General* Learned Doctor: *And, for ought I know, none has contributed more to encrease the numb contents, to their present Majesties, from those Principles, than He has*; *And yet, we see a sudden,* He *has been pleased to Act* Diametrically, *contrary to them; tho', at the same* Vindication, He *seems still to own them: which, in the Eyes of all understanding Men, than for a Person to inveigh loudly against all manner of Debauchery, and yet, at the same guilty of some notorious Act of it.*

I *am glad, that this* Learned Person *has taken the* Oaths, (*whatever was his Motive to* as St. Paul *was glad that Christ was Preached; tho' some did it out of Envy, and others other sinister Principle*: *But that the Doctor should Vindicate his taking the* Oaths, *and yet Principles, it, I confess, a Riddle beyond my Capacity to unfold.* — *I have therefore* posed *to publick Consideration, what the Doctor has formerly proposed as Matters of* which *seem with a Witness, to contradict some Passages in his* Vindication, (*t same time, suggests,* That he is the same Man as formerly,) *that He may* (*for the* great many *Persons, that are not a little concerned for it*) *either please to reconcile those* what He *has formerly so industriously Preached and Written; or formally retract his for* on *this point, superstitious to All Mankind. By doing whereof* (*as might I know*) *he* would *oblige the Publick, than He has hitherto done by his Learned Writings.*

I *might mind him,* That *in* Vindicating *himself,* He (*as his best Topick*) *might have* in Vindication *of* their Majesties Government: *But my design being chiefly to shew* He *is at War with Himself, I leave it; not doubting, but this Case will, by some other* Pe *suited to this* Learned Casuist.

The Master of the TEMPLE.

In his Case of Allegiance, Affirms

THat all Soveraign Princes, who are settled in their Thrones, are placed there by God, and invested with his Authority, *and therefore must be obeyed* by all, Subjects, as the Ministers of God, *without enquiring into their* Legal *Right and Title to the Throne.* Alleg *pag.* 10.

That the Scripture has given us no Directions in this Case but to submit, and pay all Obedience of Subjects to the present Powers. *It makes no distinction, that ever I could find, between Rightful Kings, and Usurpers;* between Kings we must, and whom we must not obey; but the General Rule is, *Let every Soul be subject to the higher Powers for all Power is of God,* Ibid. p. 18.

The English Monarchy is Hereditary, and the Lineal Heir has the Legal Right to the Crown: Grant this; But still we must consider, how far this is a Law to all private Subjects; how far every Subject is bound

The Rector of Saint *George Botolph-Lane.*

In his Case of Resistance.

THere is another Objection against what the Apostle affirms, That there is no Power but of God: The Powers that be, are ordained of God. *For, is the Power of Victorious Rebels and Usurpers from God? Did* O C. *receive his Power from* God? *then it seems, it was unlawful to Resist him too, or to Conspire against him.*

To this I answer, That the most Prosperous Rebel *is not the Higher, while our* Natural Prince, *to whom we owe Obedience and Subjection,* is in Being. *And therefore tho' such Men may get the Power into their hand by* God's *Permission, yet not by* God's Ordinance; and he who Resists them, does not Resist the Ordinance of GOD, but the Usurpations of Men. *In* Hereditary Kingdoms (which is *England*) the King never Dies; *but the same minute that the natural Person of the King Dies, the Crown descends upon the next Blood; and therefore he who*

Maſter of the TEMPLE.

bound in Conſcience by this Conſtitution, to give the Poſſeſſion of the Crown to the *Right Heir* and not to ſuffer any one elſe to take it; or if he do, not to pay *Allegiance to him*, or own him for his King. What Law is there that ſays this? And I think the reaſon of the thing doth not prove it. The Law doth not refer the Cognizance of ſuch Matters to private Subjects; and therefore they are not Bound by Law to take care of it; and I know nothing but Law can Bind us to a legal Conſtitution. Legal Rights muſt be determined by a legal Authority; and there is no Authority can take Cognizance of the Titles and Claim of Princes, and the diſpoſal of the Crown, but the Eſtates of the Realm: They indeed are obliged to take Notice of the legal Deſcent of the Crown; and if through miſtake, or any other Cauſe they ſet the Crown upon a wrong Head, they muſt anſwer for it; but private Subjects, who have no legal Cognizance of the matter, are Bound by no Law, that I know of, to diſown a King, whom the Eſtates have owned, tho' they ſhould think the Right is in the other. If Authority may not over-rule private Subjects in theſe Caſes, even againſt their own private Opinions, and juſtifie

Rector *of* St. BOTOLPH.

leth againſt the Father, *continues a* Rebel *in the* Reign *of the Son, which commences with his* Father's *Death.*

It is otherwiſe indeed, where none can pretend a greater Right *to the* Crown, *than the Uſurper; for the* Poſſeſſion *of* Power *ſeems to give a* Right. *Thus many of the* Roman *Emperors came to the* Crown *by very ill means, but when they were* Poſſeſt *of it, they were the* Higher Powers; for the Crown did not deſcend by Inheritance, *but ſometimes by the Election of the* Senate, *ſometimes the Army, which always draws a conſent after it: And therefore the Apoſtle does not direct the* Chriſtians *to enquire by what Title the Emperors* held their Crowns, *but Commands them to ſubmit to thoſe who had the* Power *in their hands; for the Poſſeſſion of Supreme and Sovereign Power is Title enough, when there is no better. To oppoſe againſt it.*

There are Two *Examples in Scripture, which manifeſtly confirm what I have now ſaid.*

The firſt is, in the Kingdom of Iſrael, *after the Ten Tribes had revolted from the Houſe of* Judah, *and the Family of* David; GOD had not entailed the Kingdom upon any certain

justifie their Obedience to a King, who is placed in the Throne, Subjects are in a very ill Case, who have no Authority to Judge, and no Power to *Resist*: There are numerous Cases, wherein Subjects must acquiesce in the determinations of a legal *Authority*, against what they think a legal *Right*: The reason and necessities of Government require it; and the Law, which gives a *Right* will not allow us to vindicate our *Right* against a legal *Authority*. And therefore it doth no follow *meerly from the Law of Succession, that Subjects are Bound in Conscience to own no Kings, who is not the rightful Heir*. Ibid. pag. 52. 53.

The Queston is not, Whether the Monarchy be Hereditary, that is agreed, but whether in an Hereditary Monarchy we must pay Allegiance to no Prince who is not the legal Heir, tho' possessed of the Throne; this the Lawyers deny, and produce Law for it; and if there be such Laws, *It is certain by Law, we may pay Allegiance to a King in Possession*, notwithstanding the fundamental Constitution of an Hereditary Monarchy; for the *Law*, which makes one, allows and commands the other; and then it is an Hereditary Monarchy, with this reserve,

certain Family; He *had indeed by* Abijah *the Prophet promised, after* Solomon's *Death*, Ten *Tribes to* Jeroboam, *the Son of* Nebat 1 Kings 11. 29. &c. *but had afterwards, by the same Prophet*, threatned Jeroboam *to destroy his whole Family*, Chap. 15. 10, 11. Baasha *fulfils this Prophesie, by the Traiterous Murther of* Nadab (*who succeeded his Father* Jeroboam *in the Kingdom*) *and Usurpt the Government himself, and slew all* Jeroboam's *House*, ver. 28, 29. *This* Murther *and* Treason *is numbred among the Sins of* Baalha; *for which* God *afterwards threatened to destroy his House, as he had done the House of* Jeroboam, *chap.* 16. *ver.* 7: Ela *succeeded* Baasha, *who had no better Title than his Father, and yet* Zimri, *who Slew him, is accused of* Treason *for it*, v. 20. Zimri *Usurpt the Kingdom when he had Slain his Master, but he was only a vain* Pretender *to it, when he wanted* Power; *for when the People who were Encamped against* Gibbethon, *heard that* Zimri *had Killed the King, they made* Omri *King, and went immediately and Besieged* Tizza, *where* Zimri *had taken Possession of the King's* Palace; *who, finding no way to Escape, set Fire to it himself, and died*

Master of the TEMPLE.

reserve of paying Allegiance to the King in Possession, when the legal Heir cannot obtain his Right.

And this I take to be a very wise Constitution, which secures the Kings Right, as far as Law can do it; but if the King should be deprived of his Right, (which the Experience of all Ages proves he may be) doth not think fit that the *Government* should sink with him, and therefore makes provision for the Security of the *Government*, and of the Subjects under the *Regnant Prince*, which the Reasons and Necessities of Government require and justifie, tho' there had been no Law for it.

Now it is enough to prove, that *Allegiance* is by Law due to a King *de facto*, if Treason may be committed against him; for no *Treason* can be committed where no *Allegiance* is due.

This is confessed, that all such Acts as are *Treason* against a King *de jure*, are *Treason*, when comitted against a King *de facto*, but not, say they, because *Allegiance* is due to him, but because they are against the order of *Government*, and therefore are Treason by the presumed consent of the King *de jure*. In *Answ.*

That such *Acts* are against the Or-

Rector of St BOTOLPH.

in the Flames of it. And now Israel *was divided between* Omri *and* Tibri; *but those who followed* Omri *prevailed against those who followed* Tibri; *and* Tribri *died, and* Omri *Reigned*, ver. 21, 22. *All which plainly shews, that* where there is no regular Succession to the Kingdom, *there*, Possession of Power *makes a* King, *who cannot afterwards be resisted and opposed without the guilt of Treason.*

But it was otherwise in the Kingdom *of* Judah, which GOD himself had entailed on *David's* Family, *as appears from the Example of* Joash, *who was conceated by his Aunt* Jehosheba, *and hid in the House of the Lord for Six Years.*

During this Time, Athaliah *Reigned, and had the whole* Power *of Government in her hands*; but yet this did not make her a Sovereign and Irresistable Prince, the right Heir of the Crown was yet alive: *And therefore in the Seventh Year*, Jehojada *the Priest set* Joash *upon the Throne, and Slew* Athaliah, *and guilty of no Treason or Rebellion in doing so*, 2 Kings 11. *which shews* That no Usurpations can extinguish the Right and Title of a natural Prince. Such Usurpers, though they have the Possession of the Supreme Power

Master of the TEMPLE.

Order of *Government*, and very destructive to it, is the only reason why they are made Treason by Law; and this is a good reason why the Law should make them Treason against a King *de facto*, as a King *de jure Ibid pag.* 57, 58.

Yet one may reasonably presume, that a *King* who forsakes his *Kingdom*, to consult his own Safety will give his *Subjects* leave to consult theirs: If this will justifie a *King* to save himself, by leaving his *Kingdom*, why will it not justifie *Subjects*, when their King has left them, to submit and comply with the prevailing Powers, as far as is necessary to preserve themselves? That is, even by Oaths of Allegiance; *Self-preservation is as much a Law to Subjects, as to the Prince; and he is as much Sworn to Govern and Protect his Subjects, as they are to Obey and Defend him; and if the necessities of Self preservation, Absolve him from his Oath of Governing and Protecting his People*, I desire to know, why the same necessity will not absolve *Subjects* from their Oaths to their Prince. *A Prince may Govern by Law, and Protect his Subjects, and yet in Fact they may* their *Allegiance to him.* Alleg. p. 42.

Rector of St. BOTOLPH.

Power, yet they have no right to it; and though *GOD*, for wise Reasons, may sometimes permit such Usurpations, yet while his Providence secures the Persons of such Deposed and Banished Princes from Violence, he secures their Title too. *As it was in* Nebuchadnezzar's *Vision*, Dan. 4. 26. *The Tree is cut down, but the Stump of the Roots is left in the* Earth. *The Kingdom shall be sure to them, after that they shall know that the Heavens do* Rule.

Case of Resistance of Supreme Powers Pages 127, 128, 129, 130, 131 132.

Self-Defence was never allowed by *GOD* or Nature, against publick Authority, *but only against Private Violence.*

There was a Time, when Fathers had the Power of Life and Death over their own Children: Now, I would only ask these Men, if a Son, at that time, saw his Father coming to Kill him, and that, as he thought, very unjustly, he might Kill his Father to defend himself. This never was allowed by the most Barbarous Nations in the World: and yet it may be justified by this Principle of Self-Defence, as it is urged by those Men, which is a plain Argument that it is false. It is an express

Master of the TEMPLE.

It is true, we must in all Cases be contented to suffer in doing our Duty; for we must chuse rather to Suffer, than to Sin; and it is no Argument, that any thing ceases to be my Duty, because it exposes me to Suffering: *But then we must be very sure that it is our* Duty; *that it is expressly enjoyned us by the Laws of God and Nature, before we venture to suffer for it.* But then we are to learn our Duty, not from any express Law of God or Nature, but from the Reason and Nature of things. *It is a sufficient Argument that it is not my Duty, which will expose me to great sufferings, without serving any* Good *end*; nay, which exposes me to Sufferings, for contradicting the natural end and intention of that Duty, for which I pretend to Suffer.

But let us grant that this Principle is the best Security to the Rights of Princes; is the Right of any Prince so Sacred, as to stand in competition with the very being of Human Societies, and the Safety and Preservation of all his *Subjects?* and must we then defend a Princes Right, with the Destruction of the Nation, and the Ruin of all his Subjects? Which is most necessary, That the Nation should be, or, that such a *Prince* should Govern it. *p.* 45.

Rector of St. BOTOLPH.

express Law, That he that Smites his Father or his Mother, shall be surely put to Death *Exod.* 21. 15. *and yet then the Power of Parents was restrained by Publick Law. And the Authority of a Prince is not less Sacred than of a Parent. He's God's Minister and Vicegerent, and Subjects are expressly forbid to resist; and it is a vain thing to pretend a natural Right, against the express Law of God.*

2. *For the Sole Power of the Sword is in the Kings hands*; and therefore no Private Man can use the Sword in his own Defence, but by the Kings Authority; and certainly he cannot be presumed to give any Man Authority, *to use the Sword against himself. And therefore, as Christ tells* Peter, He that takes the Sword, shall Perish by the Sword; *He who draws the Sword against the lawfull Powers, deserves to dye by it.*

3. We may consider also, That it is a Law, That private Defence must [illegible] publick Good. Now [illegible] lend his own Life, [illegible] upon a whole Nation in Blood, [illegible] occasions the Miserable [illegible] than a long Succession of [illegible] [illegible] Friends and Kindred, [illegible] and if this be the Law of Nature, [illegible] Nature a Son to murther, [illegible] own Ruine and Confusion.

Case of Resistance, *pag.* 203, 204, 205.

Considerations and Reflections upon some of Doctor Sherlock's *Celebrated Positions, concerning Passive Obedience, and Non-Resistance.*

WE shall now consider the Doctor's Reasons, why the King is *Irresistible* in all Cases, which are these.

1. *That the King has a Personal Authority, antecedent to all the Laws of the Land, independent on them, and superior to them.* Case of Resistance, *pag.* 196.

Now, This is not true, for the *King* is *King* by *Law*, and has his *Authority* from the *Law*. Indeed, our Authors says, (in the same Page) *That the great Lawyer*, Bracton (by those very words of his, *Lex facit Regem*) *was far enough from understanding, that the King receives his Soveraign Power from the* Law. I confess I never was so well acquainted with *Bracton*, as to know what secret Meanings he had, contrary to the Sense of his Words; and therefore cannot tell how far he was from understanding, That the *King* receives his Soveraign Power from the *Law*; but I am sure he was not far from saying so; for he says it in the very next words; *Attribuat igitur Rex quod Lex attribuit ei, videlicet*, Dominationem & Potestatem. He proves, that the *King* is under the *Law*, and ought to Govern by the *Law*, because he is made King by the *Law*, and receives his Power and *Authority* from the *Law*; and then adds, what the Doctor is pleased to cite, *Non est enim Rex ubi dominatur Voluntas, & non Lex*: *He is no King who Governs by Arbitrary Will, and not by* Law; that is, no lawful *English* King, *Bracton* must mean, for still he may be a Good Outlandish and *Assyrian King*, though his Arbitrary Will does all. For the Doctor (Case of Resist. *pag.* 197.) quotes out of *Dan.* 5. 18. 19 That God gave *Nebuchadnezzar such an Absolute Kingdom, that whom he would he slew, and whom he would be made Alive, and whom he would he set up, and whom he would be pulled down.* And I hope no Man Tyrannizes over his People who uses the Prerogative which *God* has given him; therefore the Doctor explaining *Lex facit Regem*, *To Govern by Laws, makes a Soveraign Prince a King, and distinguishes him from a Tyrant*, will pass with none but such ordinary Readers as he write his Book for, and who never saw *Bracton*.

Chancellor *Fortescue* likewise says, That a limited Monarch receives his power, *a Populo essurcam*, which unriddles the Doctors Riddle in the same place, *How the* Law *can make the* King, *when the* King *makes the* Law? But it is such a wonderful thing, that there should be a Law to create a *King*, and to enable him so far in the making of *Laws*, as to make his consent necessary to the being of all Future *Laws*; was it not thus when the two houses were Erected, and endowed with the Legislative Power, notwithstanding the Doctors says. (*pag.* 196.) *That the* Law *has no Authority, nor can give any, but what it receives from the* King. For the *Laws* are made *Authoritate Parliamenti*, which is by the *Authority* of the *King*, *Lords* and *Commons*.

But to lay aside *Bracton* and *Fortescue*, let us a little reason the Matter. This *Personal Authority* of the King, antecedent to all the *Laws* of the Land independent on them, and superiour to them: whence is it? Has he a *Throne* like *God*? Is he of Himself, and for Himself? Or has he a Personal Authority from God, antecedent to *Laws*, to be a *King*? Then show a Revelation from God where he is named. Or has he the *Natural Authority* of a *Father* to Govern his Children? Then it must be proved That he has begotten his three Kingdoms, and all the People, in all other His Majesties Dominions? Or has he a Personal Patriarchal Authority which is set up as a shadow of the *Authority* of a Father, whereby the Eldest *Son* is his *Father* by Representation? Then it must be proved That the King is the *Eldest Son* of the *Eldest House* of all the *Families* of the Earth. Or were mankind made in the day of their Creation, by *Adam*, and Created *Prince* and *People*, as they were Created *Male* and *Female*? But if none of these things can be said, then it remains That a Civil Authority, that is, a mutual Consent and Contract of *Parties*, first Founded this Civil Relation of *King* and *Subjects*, as we every day does of *Master* and *Servant*, which is another Civil Relation; and that the Consent of a *Community* or *Society*, is a Law and Foundation of all *Civil Laws* whatsoever, is proved beyond all contradiction, by Mr. *Hooker*, *Eccl. Pol. Lib.* 1. chap. 10.

Another Reason which the Doctor gives, why the King is *Irresistible in all Cases*, is *Because he is Sovereign, and it is essential to Sovereignty to be irresistible in all Cases*. Which is false: For the King of *Pollonia*

Soveraign, he Coins Money with his own Image and Superscription upon it, which, according to the Doctor, *pag.* 50 *Is a certain Mark of Soveraignty*, and pag. 51. *By the very Impression on their Money it is Evident, That he is their Soveraign Lord*: He stiles himself by the same *Grace of God* with any King in Christendom, and wears the like Crown. He Assembles *Diets*; he disposes of all *Offices*; he judges the *Parliaments* themselves, and is full of the Marks of Soveraignty. And yet he that shall take a *Polish Penny*, and make such work with it, as the Doctor does with the *Roman Tribute Money*, and out of it read Lectures either of *Active or Passive Obedience* in all Cases, will read amiss: For in case he breake his Coronation Oath, they owe him no *Obedience* at all, of any kind; for this is one Clause in it; *Quod si Sacramentum meum violavero, Intole Regni nullam mihi obedientiam præstare tenebuntur*. So that in case he violate his Oath, his *Irresistibility* departs from him, and he becomes like other Men.

I come now to the Doctor's Second Case; which is resolv'd under the covert and Countenance of the former, *That we owe no Resistance to Magistrates, or others employed by a Popish Tyrannical Prince, in the most Illegal and Outragious Acts of Violence* (such as Cutting of Throats, &c.) *are as Irresistible as the Prince himself* (under pretence of having the Prince's Authority to do these Acts) *and must be submitted to, under pain of Hell, and Eternal Damnation*. Now, to shew the Authority which we are bound to submit to, *not in Laws, but in Persons* who Act contrary to Law, he has brought the following Argument, which is the most laboured of any in his Book: *Nay, it is very false and absurd to say, That every Illegal Is an Unauthoritative Act, which carries no Obligation with it. This is contrary to the practice of all Judicatures, and the daily Experience of Men, who suffer in their Lives, Bodies and Estates, by an unjust and Illegal Sentence: For the most Illegal Judgment is Valid, till it be reversed by some Superior Court; which most Illegal, but Authoritative Judgment, derives its Authority, not from the Law, but the bare Person of him whose Judgment it is.* Case of Obed. *Pag.* 194, 195.

Now, to use his own words, this is very false and absurd all over.

For *first*, Legal and Authorative are all one; and Illegal Authority

is in *England*, unlawful lawful Power. *Secondly*, It is not true, That an Illegal Judgment is valid, till it be revers'd: For the Judgment of a Man to Death, in an Arbitrary way, either contrary to the Verdict of his Jury, or without a Jury, is not Authorative or Valid at all, no not for an hour. But, I suppose, by *illegal Judgments*, the Doctors means *legal Judgments*, which have Error in them; and if these should not be Valid and stand good till that Errour be found in some Higher Court, there could not be *legal* nor *Illegal*, nor any Judgments at all; but all humane Judicatures must come to an end. For if Judgment cannot be given, till we have Judges who are not subject to Errour, the Laws must ly by and rust; and there can be no administration of Justice. *Thirdly*, The Authority of a Judgment which is Erroneous, is not from the Judges Personal Authority above the Law, nor from his Mistakes beside the Law, but from that Jurisdiction and Authority which the Law has given to Courts and Judicial Proceedings, which, if they be in due course of Law, are legal, and are presumed to be every way right, and as they should be, and free from Errour till the contrary appears in some *Higher Court*. But if the Judges in *Westminster-Hall* should use a Personal Authority, superior to Law, in Judging Men to Death without a Jury, or in condemning a Man when his Jury acquit him, or the like, the Law having given no Authority to any such proceedings, these Judgments would be illegal and void, and have no Authority at all.

Secondly, Another Reason why we must submit to *Illegal Violence*, is this: *Because though they have no legal Authority for it, yet we have no legal Authority to defend our selves against it*, pag. 192. But he himself has given as full an answer to this as can be desired, in these words, *No Man can want Authority to defend his Life against him that has Authority to take it away*, pag. 59.

Thirdly, We must submit to *Illegal Violence*, because *the People cannot call inferiour Magistrates to an Account*, pag. 191. But sure the People may defend themselves against the Murderous Attempts of inferiour Magistrates, without pretending to call them to an account, or sitting in Judgment upon them: And when they themselves are called to an account for this Defence, they may give a very good account of it, by 13 *H.* 8. *cap.* 5.

Fourthly,

Fourthly, *We must not defend our selves when we are Persecuted to Death for our Religion, contrary to the Laws of England, because we must not defend our selves, when we are thus persecuted contrary to the Laws of God and Nature, which are as Sacred and inviolable as the Laws of our Country.* Case of Alleg. p. 100.

Answer. I grant that the Laws *God* and *Nature* are more Sacred and Inviolable than the Laws of our Country; but they give us no Civil Rights and Liberties, as the Laws of *England* have done. Every Leige Subject of *England* has a legal Property in his Life, Liberty and Estate, in the free Exercise of the *Protestant Religion* established amongst us; and a legal Possession may be legally defended: Now, the Laws of *England*, in Queen *Mary*'s Time, were against the *Protestants*, and stript them of this unvaluable Blessing; and therefore tho' they chose rather to observe the Laws of God and Nature, than those of their Country, which at that time violated both the other; yet withal, they submitted to the Laws of their Country, which alone gave and take away all legal Rights and Titles: And, when all is said, are the only Measures of Civil Obedience.

Fifthly, *We must not defend their Lives against a lawless Persecution, when they are Condemned by no Law, because they must not defend their Lives, when they are Condemned by a Wicked, Persecuting, Popish Law: For such lawless Persecution, has as much Authority as such a Wicked Persecuting Law*, pag. 204. This is manifestly false: For a lawless *Popish* Persecution has no Authority at all, but has all the Authority of Heaven and Earth against it; whereas a wicked *Popish* Persecuting Law, tho', as it is wicked, it cannot Command our Obedience; yet, as it is a Law, it may dispose of our Civil Rights. If Queen *Mary*'s Laws were no Laws, because they were wicked Persecuting Laws, why were they Repealed? why were they not declared to be null from the beginning?

Sixthly, *That Non-Resistance of Illegal Violence is the best way to secure the publick Peace and Tranquility, and the best way for every Man's private Defence; for self-defence may involve many others in Blood, and besides, exposes a Man's self.* pag. 205, 206. That is to say, when the publick Peace is violated in an high manner, the best way to se-

cure

[illegible] it is meerly to suffer it still to be broken farther; a Man's be[illegible] Die patiently, for fear of being Killed. And when [illegible] the only way to prevent the effusion of more [illegible] Blood, is to let them alone. Now, in opposition to this Doctr[illegible] I shall only remember the Doctor, That if there had not been a Defe[illegible] made against the *Irish* Cut-Throats in *Forty One*, though they had [illegible] Impudence to pretend the King's Commission, there had hardly be[illegible] *Protestant* left; but the Pestilent *Northern Heresie* had been throug[illegible] extirpated in that Kingdom.

Seventhly, Another Reason is, *Because Non Resistance is certa[illegible] the best way to prevent the change of a Limited into an Absolute Mo[illegible] chy, pag.* 212. Now, this is so far from being true; that on the c[illegible] hand, absolute *Non Resistance*, even of the most Illegal Violence, [illegible] actually change the Government, and sets up an *Absolute* and *Arbi[illegible] ry Power* in the shortest way, and by the surer side. For a Prince, wh[illegible] the Laws themselves have made *Absolute*, has thereby no more th[illegible] Right and Title to an *Absolute Subjection*; but *Non Resistance* puts [illegible] into the actual Possession of it. The Doctor himself has made this beyond all contradiction; for, he says, That *Non-Resistance* is as p[illegible] fect *Subjection*, as can be paid to Sovereign Princes, *pag.* 44. and [illegible] he calls it, *The only perfect and absolute Subjection we owe to Pri[illegible]* Now, the most perfect and absolute Subjection that can be paid, [illegible] the most absolute Government that can be devised. For these words [illegible] of Eternal Truth, which we read in *pag.* 64. of this Book; *For Au[illegible] rity and Subjection are Correlates, they have mutual respect to [illegible] other, and therefore they must stand and fall together: There is no Au[illegible] thority, where there is no Subjection due; and there is no Subjection [illegible] where there is no Authority.* And is not this as bright and as evid[illegible] Truth: There is no absolute Authority, where there is no absolute [illegible] jection due; and there can be no absolute Subjection due, where th[illegible] no absolute Authority?

I shall now produce some Reasons, to prove the Lawfulness of [illegible] fending our selves against Illegal Violence; which is a Truth so obv[illegible] and so agreeable to the common sense of Mankind, that even those [illegible] who let themselves to oppose it, do often times assert it unawares, a[illegible] gr[illegible]

gave unanſwerable Reaſons for it; I ſhall therefore, firſt ſet down thoſe Conceſſions which the force of Truth has extorted from the Doctor, and ſecondly, add ſome other Arguments to them.

First, No Man hath Authority to defend his Life againſt him who has no Authority to take it away, pag. 69. But no Man whatſoever has any juſt and legal Authority, (that is, any Authority at all) to take it away contrary to Law, pag. 191. And from theſe premiſes, it is eaſie for any Man to infer the Concluſion.

Secondly, He that Reſiſts the Uſurpation of Men, does not Reſiſt the Ordinance of God, which allows it to be Reſiſted. But Reſiſting Arbitrary and Illegal Violence, are the Uſurpations of Men, &c. Thus again are the Doctors Doctrines, the former, pag. 128. the other, pag. 211, 212. he acknowledges, that the aſſuming of an Abſolute and Arbitrary Power in this Kingdom, would be Uſurpation; though he ſays at the ſame time, That no Prince in this Kingdom ever Uſurped ſuch a Power, which is notoriouſly falſe, for Inſtance, the Second by Name did, not to mention any other.

Thirdly, The Doctor, pag. 126. has theſe words, Every Man has the Right of Self-Preſervation, &c. againſt an Evil Government, as he had in a State of Nature: Under what Government ſoever I live, I may ſtill kill another Man, when I have no other way to preſerve my life from unjuſt Violence by private Hands. Now the Hands of Subordinate Magiſtrates, Imploy'd in Acts of Illegal Violence, are private Hands, and Armed with no manner of Authority at all; of which this is a moſt convincing Proof, That they may be Hanged by Law for ſuch Acts, which no Man can or ought to Suffer for what he doth by Authority. They are no Officers at all in ſuch Acts, for Illegal Violence is no part of their Office. Now, after the Doctor has anſwered his own Arguments, I ſhall deſire him to do as much for theſe which follow.

Firſt, No Man can Authorize himſelf: But in Acts of Illegal Violence if a Subordinate Magiſtrate have any Authority at all, he muſt Authorize himſelf: For it is a contradiction to ſay, The Law Authorize him to do an Illegal Act, as the Doctor well obſerves, pag. 195. And it is falſe to ſay, That the King, who can do no wrong, can Authorize another to do it. In the great Conference of the Lords and Commons, 3 Caroli,

concerning the Contents of the Petition of Right, the Law was be-
Be it so, If the King Command a Man to do Injury to another, the C
should be void, and the Act of the Author, and the Actor becomes
Wrong doer; that is, He Acts of his own Head, and Authorizes him
to do it. The illegal Violence of Subordinate Magistrates cann
be made Irresistible, only by being more Criminal than it is in o
Men; for that would be to make Mans Crime to be his Protection.
illegal Violence done by Inferiour Magistrates, is not only as
more Criminal, as being done [illegible] and colour of Authority
and Premising the Law [illegible] Particulars of their Crime, Viol
n are the Doctors Distinctions, that [illegible] other,
(13.) he acknowledges, that the [illegible] Violence and A-
by Commission from Authority, would [illegible]
same time. That the Prince [illegible]
[illegible] Prerogative [illegible]
[illegible] Violence by private Hands, and
[illegible] Violence by private Hands. Now the Crimes of Subordinate Ma-
gistrates [illegible] Acts of illegal Violence, are private Hands, and
[illegible] with no Pretence of Authority at all; of which this is a small co-
[illegible] Proof. That there were [illegible] Hands for [illegible], with
[illegible] Violence by private Hands. Now the Crimes of Subordinate Ma-
gistrates [illegible] Acts of illegal Violence, are private Hands, and
[illegible] with no Pretence of Authority at all; of which this is a small co-
[illegible] Proof. That there were [illegible] Hands for [illegible], with
[illegible] to suffer for what they [illegible] Authority. They
[illegible] all in such Acts, for illegal [illegible] is no part of their
[illegible]. Now, after the Doctor has [illegible] his own Arguments, I
[illegible] him to do as much for [illegible] follow.
[illegible] Not [illegible] Authority at all? But in Acts of illegal Violence
[illegible] have any Authority at all, he must Autho-
[illegible]. For it is contrary [illegible] The Law Authorizes him
[illegible] Acts, as the Doctor [illegible] pag. 13. And is [illegible]
[illegible] The Doctor, [illegible] Inducing Circumstances the Local and Consuetudinary